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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/826,604

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Aaron Hobart

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EXAMINER

AFTERGUT, JEFF H

ART UNIT

PAPER NUMBER

1733

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/19/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/826,604

Applicant(s)

HOBART, AARON

Examiner

Jeff H. Aftergut

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 8-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 18-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Election/Restrictions***

1. Applicant's election of Group I, claims 1-7 and 18-25 in the reply filed on December 7, 2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7 and 18-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Gangemi.

The admitted prior art taught that it was known at the time the invention was made to form a waterproof membrane from a polymer film base onto which one applied an asphaltic material to one side of the polymer base. After the application of the asphaltic material to the base, a top film was applied to the waterproof material thereby sandwiching the waterproof material between the top film and the base sheet. The waterproof membrane so formed was then cooled, accumulated and fed to a winder. Typically, the membrane was cut in half longitudinally prior to being wound for storage at the winder where the two parallel membranes were wound onto adjacent paper cores. The admitted prior art suggested that the winding operation was a manual operation where the leading edge of the membrane extending from the winder pull rolls

was hand taped or otherwise secured to the core. Upon completion of the winding of the membrane for storage, the trailing edge was cut manually and the trailing edge was secured to the roll to prevent unwinding of the same manually. The admitted prior art failed to teach apparatus for mechanically securing the leading edge as well as severing the web to create the trailing edge and application of the trailing edge to the roll.

Gangemi suggested that it was known in the art of winding to create a roll of material to provide for continuous production of successive rolls of material. The device includes a winder to roll up the material subsequent to formation of the web of material. The take up winder includes a core thereon which was disposed proximate the output region of the finishing product winding machine, see core 8. As taught by the admitted prior art, the cores are usually manually fit upon a mandrel of the winder. The reference to Gangemi suggested that the device included an automated adhesive applicator 30 which included two laterally spaced spray nozzles 36, 36' that were used to apply adhesive 44, 44' upon the web of material. The adhesive applicator 30 was disposed on a carriage 38 which moved in direction 40 across the web of material W transverse to the direction of feed of the web (which was fed in direction 22) in order to apply two continuous stripes of adhesive 44, 44' across the web W. Gangemi additionally suggested that the device included a means to index the leading edge of the web W carrying the adhesive stripe 44 thereon to the core 8 which included the use of vacuum on drum 12 as well as the use of a pivoting arm to properly position the web edge prior to introduction of a new core 8. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the techniques of Gangemi to provide

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for the automated take up of the membrane material in the admitted prior art which was a waterproof membrane in order to eliminate the need for manual application of adhesive to join the ends of the roll and start a new roll in a winding take up operation.

regarding claim 2, 3, 19 and 20, the reference clearly suggested the one moved the adhesive applicator across the web along a carriage and those skilled in the art were well aware of automated control for controlling the movement of such a carriage. Additionally, automated control to control the movement of a carriage with an associated applicator is taken as conventional in the art and its use in the automated changeover system of Gangemi would have been obvious to those skilled in the art. Regarding claims 4, 5, 21 and 22, note that Gangemi suggested that a cutting mechanism (a laser or a knife) which is associated with the same carriage which was used for severing the web when the changeover was to take place and thus the device suggested a cutting device attached to an arm (note that the carriage was clearly carried over at least a single rail as was known in the art of traversing carriages and thus the knife was carried by an arm). Additionally note the comments regarding the control of the system with an automated control. Regarding claims 6, 7, 23, and 24, note that the material worked upon an apparatus is given little weight therein. Additionally, note that the admitted prior art suggested the system for forming the specified waterproof membrane. Regarding claim 25, note that the reference to Gangemi suggested the application of adhesive material to both the leading edge and the trailing edge of the web with the stripes 44, 44'.

4. Claims 2-5 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as set forth above in paragraph 3 further taken with Rodriguez et al.

While it was known per se to include computer control to control a mechanical process wherein one was changing over one roll of material for another roll (note such control is taken as conventional in the art above), to further evidence that one skilled in the art would have incorporated a computer control system in a roll change over operation of a winder, the reference to Rodriguez et al is cited. Rodriguez suggested that those skilled in the art of winding a roll of material would have included a controller which included a computer to control the operation of the application of adhesive to the web material as well as the severing of the web material when one was finished rolling the web and ready to start a new roll of material, see adhesive application device 20, cutting mechanism 19 and controller 21 which is a computer based controller for controlling the operation. As it would have eliminated the need for manual interference in the operation of severing and spooling a web of material at the take up device of the same, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a computer assisted controller to control the operation of adhesive application and cutting of the web as taught by Rodriguez et al in the device of taking up the waterproof membrane as set forth above in paragraph 3.


### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ragard et al suggested a system for cutting and adhesively attaching the end of a web to a roll in a wind up operation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff H. Aftergut whose telephone number is 571-272-1212. The examiner can normally be reached on Monday-Friday 7:15-345 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Jeff H. Aftergut  
Primary Examiner  
Art Unit 1733

JHA  
January 17, 2007